

FILED

November 01, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**BY: MGR
DEPUTYUNITED STATES OF AMERICA, ex rel.
PETER HUESEMAN,

Plaintiffs,

v.

PHARMACY SERVICES, INC. d/b/a
BELLEVUE PHARMACY, MEDWESTRX LLC, d/b/a
BELLEVUE PHARMACY OF MISSOURI,
NORTHERNRX, LLC, d/b/a BELLEVUE PHARMACY
OF ILLINOIS AND BELLEVUERX, SOUTHERN RX,
LLC d/b/a BELLEVUE PHARMACY OF FLORIDA
AND BELLEVUE PHARMACY, TEXAS
SOUTHERNRX LLC d/b/a BELLEVUE PHARMACY
OF TEXAS, JUPITER HEALTH HOLDINGS, LLC,
RODNEY WILSON, R.Ph., JOHN DaVAULT, R.Ph.,
JOHN HAMILTON, R.Ph., PROFESSIONAL
COMPOUNDING CENTERS OF AMERICA, INC.,
FREEDOM PHARMACEUTICALS, INC.
AND JOHN HOLTZMAN, D.P.M.

Defendants.

SA-14-CA-212-XR**FILED UNDER SEAL****UNITED STATES' MOTION TO UNSEAL ITS COMPLAINT IN INTERVENTION**

On August 30, 2021, the United States notified the Court, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), of its decision to intervene in part of this action as to Defendant Professional Compounding Centers of America ("PCCA"). Doc. 64. By Order of August 31, 2021, the Court instructed the United States to file its Complaint no later than October 29, 2021. Doc. 65. At the United States' request, the Court also ordered that this case remain under seal until further order of the Court. *Id.*

The United States has now filed its Complaint in Intervention. Doc. 66. The United States respectfully requests that its Complaint (Doc. 66), the United States' Notice of Election to

Intervene in Part and to Decline to Intervene in Part (Doc. 64), the Court's August 31 Order (Doc. 65), the relator's Complaint (Doc. 1), this Motion (Doc. 67), and the attached proposed Order be unsealed on November 4, 2021.

The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A number of exhibits attached to the United States' Complaint were marked "confidential" by PCCA prior to their production to the Government during the United States' investigation of this matter. The United States will notify PCCA's counsel that the Government has requested those documents be unsealed by the Court on November 4.

A proposed order accompanies this Motion. Relator is unopposed to the relief requested in this Motion.

Dated: October 29, 2021.

Respectfully submitted,

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United States Attorney

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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I certify that, on October 29, 2021, I caused the foregoing document and the proposed order to be served on relator's counsel via U.S. mail addressed to:

Glenn Grossenbacher
24165 IH 10 W
Suite 217-766
San Antonio, Texas 78257

/s/ Mary F. Kruger
MARY F. KRUGER